

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

FERNANDO MUNOZ,

Defendant.

Case No. 19-CR-166-JPS

ORDER

On September 17, 2019, the grand jury returned an indictment charging Defendant with one count of being “an alien who previously had been deported and removed from the United States, [who] was found in the United States in Sheboygan County, Wisconsin, without having obtained the express consent of the Attorney General of the United States, or his successor, the secretary of the Department of Homeland Security, for application for re-admission into the United States,” in violation of 8 U.S.C. § 1326(a),(b)(2). (Docket #1 at 1). The parties filed a notice indicating that Defendant agreed to plead guilty to the indictment. (Docket #12).

The parties appeared before Magistrate Judge Nancy Joseph on November 21, 2019 to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. (Docket #14). Defendant entered a plea of guilty as to Count One of the Indictment. (Docket #15 at 1). After cautioning and examining Defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Judge Joseph determined that the guilty plea was knowing and voluntary, and that the offense charged was

supported by an independent factual basis containing each of the essential elements of the offense. *Id.*

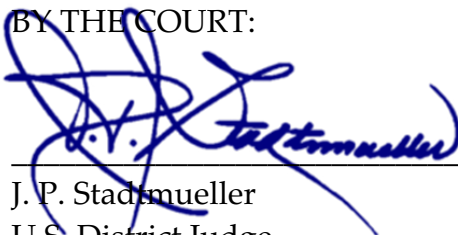
Magistrate Judge Joseph filed a Report and Recommendation with this Court, recommending that: (1) Defendant's plea of guilty be accepted; (2) a presentence investigation report be prepared; and (3) Defendant be adjudicated guilty and have a sentence imposed accordingly. *Id.* Pursuant to General Local Rule 72(c), 28 U.S.C. § 636(b)(1)(B), and Federal Rule of Criminal Procedure 59(b), the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation. *Id.* at 1–2. To date, no party has filed such an objection. The Court has considered Magistrate Judge Joseph's recommendation and, having received no objection thereto, will adopt it.

Accordingly,

IT IS ORDERED that Magistrate Judge Nancy Joseph's Report and Recommendation (Docket #15) be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 18th day of December, 2019.

BY THE COURT:



J. P. Stadmueller
U.S. District Judge